

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

v.

No. 4:18-cr-317-DPM-1

STEPHANIE SHANTA HEARD

DEFENDANT

ORDER

Heard moves for immediate release under 18 U.S.C. § 3582(c)(1)(A)(i) based on the ongoing COVID-19 pandemic. The Bureau of Prisons timely denied Heard's request for compassionate release; and Heard has completed her administrative appeals. *Doc. 233 at 3*. She may therefore seek relief from this Court. 18 U.S.C. § 3582(c)(1)(A).

Heard is a black woman in her forties with a history of asthma, respiratory infections, and obesity. Her concerns about the virus are therefore valid. But Heard has served just two years of her eight-year sentence, which was a downward variance from the advisory Guidelines range. Further, FMC Carswell – where Heard is housed – currently has just five positive cases, four of which are among staff members. More than 1,500 inmates and staff are fully vaccinated. <https://www.bop.gov/coronavirus> (accessed 26 August 2021). And while the Court commends Heard on her good progress while in

prison, that can't be the sole basis for a sentence reduction. 28 U.S.C. § 994(t). In the circumstances, reducing Heard's sentence by almost five years would not promote respect for the law, provide just punishment, reflect the seriousness of her offense, or adequately deter her and others. All material things considered, the statute's remedy—reducing Heard's sentence to time served—is not appropriate in this case. 18 U.S.C. §§ 3582(c)(1)(A)(i) & 3553(a). Her motion, *Doc. 233*, is therefore denied.

So Ordered.

D.P. Marshall Jr.

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United States District Judge

2 September 2021